

Claims 23-49 and 52-103 are presently pending. No amendments or new claims are introduced with this Response.

Remarks regarding 35 U.S.C. § 102(e)

Claims 23-49, 52-54 and 76-103 stand rejected, under 35 U.S.C. § 102(e), as allegedly anticipated by U.S. Publication No. US 2002/0150524 ("Smalley"). Applicants respectfully traverse the rejection.

Smalley is a published US application resulting from International Application No. PCT/US98/04513, filed on March 6, 1998. For a publication of a US application resulting from an international application to have an effective filing date as of its international filing under 35 USC 102(e), the international application must have designated the United States and its international publication must have been published in English. In addition, the footnote of 35 USC 102 recites, in part, that "applications published ... resulting from an international application filed before November 29, 2000 shall not be effective as prior art as of the filing date of the international application." The international application from which Smalley results was filed March 6, 1998. Accordingly, the effective filing date of Smalley under 35 USC 102(e) is its US filing date, December 28, 2001. Since the invention of this application was reduced to practice before June 30, 1998, as explained in the declaration filed May 9, 2003, Smalley is not prior art under 35 USC 102(e).

Thus, the rejection of the claims under 35 USC 102(e) should be withdrawn.

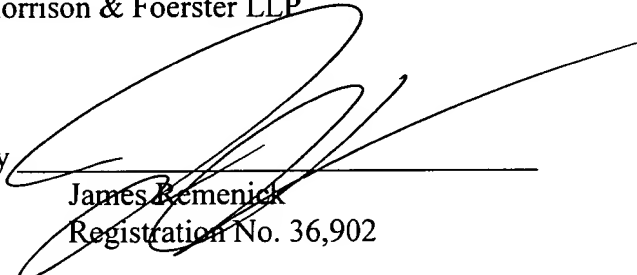
Conclusion

The application is in condition for allowance and the prompt issuance of a Notice of Allowance is respectfully requested. If there are any additional fees due with the filing of this Response, including any fees for an extension of time, applicants respectfully request that extension and also request that any and all fees due be charged to Deposit Account No. 03-1952.

Respectfully submitted,
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By



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